

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3282 OF 2025

M/s Sahyog & Company .. Petitioner

Versus

The Municipal Corporation of .. Respondents
Greater Mumbai & Ors.

...

Mr.Pradeep Thorat with Mr.Ranjeev Carvalho and Ms.Sakshi Agarwal i/b Mr.Bipin Joshi for the Petitioner.

Mr.S.U.Kamdar, Senior Advocate with Ms.Oorja Dhond i/b Ms.Komal R. Punjabi for the Respondent Nos.1 to 4.

Mr.Hemant Pant, Assistant Engineer, R/South Ward, present.

**CORAM: ALOK ARADHE, C.J. &
BHARATI DANGRE, J.**

DATED : 03rd FEBRUARY, 2025

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P.C:-

1. In this Writ Petition, the Petitioner has assailed the impugned Notification dated 28/01/2025, by which the e-tender dated 14/10/2024 has been cancelled.

2. According to the Petitioner, the Petitioner has participated in the aforesaid e-tender process and was declared as L-1 bidder. The Petitioner has also submitted rate analysis for the works to be carried out, at the request of the Respondents. However, Letter of Award was not issued in its favour and instead, the impugned Notification was issued, cancelling the entire e-tender without assigning any valid and cogent reason.

3. Learned counsel for the Petitioner submits that the Petitioner is a successful bidder in the tender process and had complied with all terms and conditions of the tender and had a legitimate expectation of being awarded the contract. It is further submitted that the impugned Notification is bereft of any reason and, is, therefore, arbitrary and illegal. It is also contended that similarly placed parties cannot be treated unequally.

4. It is also pointed out that the Respondents have awarded contract to the lowest bidder in a separate tender having similarly estimated tender cost falling within the jurisdiction of the same Additional Municipal Commissioner. However, in this case, the tender was cancelled without assigning any reason.

5. Issue notice to the Respondents.

6. Learned senior counsel Mr.S.U.Kamdar waives service of notice on behalf Respondent Nos.1 to 4 and prays for and granted a week's time to enable him to file an affidavit-in-reply.

7. List on 11/02/2025.

(BHARATI DANGRE, J.)

(CHIEF JUSTICE)